



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

DEC 31 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7012 2210 0001 2356 0958

Mr. Aaron Weiner, Facility General Manager
Ben Weitsman of Rochester LLC/
Weitsman Rochester Realty, LLC
80 Steel Street
Rochester, New York 14606

Re: 80 Steel Street Site, Rochester, New York
Approval for Disposal of PCB Remediation Waste under 40 CFR §761.61(a), and
for Characterization Sampling under 40 CFR §761.61(c)

Dear Mr. Weiner:

This is in response to the October 2013 Debris Pile Management Work Plan (Work Plan) submitted by O'Brien & Gere Engineers, Inc. (O'Brien & Gere) on behalf of Ben Weitsman of Rochester, LLC and Weitsman Rochester Realty, LLC (Weitsman). The Work Plan concerns Weitsman's plan to perform off-site disposal of polychlorinated biphenyl (PCB) contaminated debris piles located at the 80 Steel Street Site in Rochester, New York. The Work Plan was amended through submittal of additional information in electronic correspondence from O'Brien & Gere dated November 1, 2013, November 25, 2013, November 29, 2013, and December 1, 2013. These documents will be referred to as the "Application". The PCB contaminated debris piles are considered to be PCB remediation waste that exceeds the cleanup levels under the federal PCB regulations at 40 CFR §761.61(a)(4).

Once the debris piles have been removed, verification sampling in accordance with Subpart O of 40 CFR Part 761 will be performed to confirm that the United States Environmental Protection Agency's (EPA's) unrestricted PCB cleanup level of 1 part per million (ppm) has been achieved. If PCBs are found at levels greater than 1 ppm, Weitsman will propose additional cleanup measures to the EPA that comply with the requirements of 40 CFR §761.61(a).

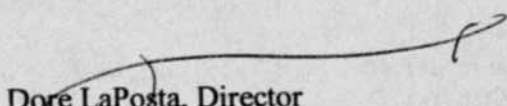
With the exception of the characterization sampling requirements under Subparts N of 40 CFR Part 761, the proposed off-site disposal of the PCB contaminated debris piles meets the self-implementing cleanup and disposal requirements under 40 CFR §761.61(a). The EPA finds that the characterization sampling, in this remediation context, is acceptable for delineating areas of PCB remediation waste to be addressed.

The EPA hereby approves Weitsman's Application, and it may proceed with the cleanup and disposal under 40 CFR §§761.61(a) and (c), subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act, 15 U.S.C. §2605.

Please note that this Approval does not constitute a determination by the EPA that the transporters or the disposal facilities selected by Weitsman are authorized to conduct the activities set forth in the Application. Weitsman is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable federal, state and local statutes and regulations.

Should you have any questions concerning this matter, please contact James S. Haklar at (732) 906-6817 or at haklar.james@epa.gov.

Sincerely yours,



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance